

REMARKS/ARGUMENTS

This paper is submitted in response to the Office Action mailed January 17, 2006. A Request for a One Month Extension of Time under 37 CFR 1.136(a) is submitted herewith, along with the fee prescribed by 37 CFR 1.17(a)(1). The response is therefore timely.

In the specification, several paragraphs have been amended to conform certain reference numbers to those shown in the drawings. The paragraph describing Fig. 7 has been amended to describe more accurately what is shown in that Figure. The drawings have been amended to correct the labeling of the elements 340 and 335 in Figs. 4-6. No new matter has been added.

Claims 1-5 and 12-20 were examined. Claims 6-11 were withdrawn after an election made by the Applicant without traverse in a reply filed on 11/2/2005, and have now been canceled as being directed to a non-elected invention, without prejudice to Applicant's right to re-file these claims in a divisional application.

In the Office Action, claims 1-5 and 12-20 were rejected. Claims 14-19 were nevertheless held to define allowable subject matter.

By this amendment, claims 1-9 and 13 have been canceled; claims 10-12 have been amended; and new claims 21-28 have been added. Reconsideration is respectfully requested.

In the Office Action, the Examiner rejected claims 1-5, 12-20 under 35 U.S.C. 112 as being indefinite. Claims 1-5 have now been canceled. Claims 12-20 were held to be vague because of an inconsistency between the language of the preamble of these claims, and the language in the body of claim 13. This rejection has been overcome by canceling claim 13. Now, claims 12 and 14-20 all have a preamble reciting a subcombination (i.e., an equipment shelf mounting bracket assembly for use in combination with an equipment rack), and a body directed to that same subcombination.

Claims 12 and 20 were rejected under 35 U.S.C 103(a) as being unpatentable over Lauchner (US 6,659,577) in view of Brock et al. (US 6,948,691). In view of the above amendments and the remarks that follow, this rejection is respectfully traversed.

The Examiner acknowledges that Lauchner does not disclose the latching assembly including a carrier slidably captivated on the outer track for relative longitudinal sliding movement thereon and means for resiliently urging the flange of the carrier toward the front end flange of the outer track. It was the Examiner's position that these structures are taught by Brock

et al., and that it therefore would have been obvious to modify the device of Lauchner in view of the teachings of Brock et al. to provide the invention defined in Claim 12.

Claim 12 has been amended to clarify that the outer track has a first flange at the front end thereof, and that the carrier has a second flange at a front end thereof. The claim has been further amended to define “biasing means for urging the second flange of the carrier toward the first flange at the front end of the outer track so as to secure the rail between the second flange of the carrier and the first flange at the front end of the outer track, with each of the pins disposed in a corresponding one of the rail apertures.” There is nothing in either of the cited references that suggests a carrier having a flange that is urged toward a corresponding track flange to secure a rail between the flanges. As admitted by the Examiner, no such structure is shown or suggested by Lauchner. Furthermore, the latching element 40 in Brock et al. is not supported on a carrier, nor is there any suggestion in Brock et al. of any flange on the front end of the latching element that cooperates with a corresponding track flange, in the manner defined in claim as amended, to secure the rail therebetween. In fact, a flange on the latching element 40 in Brock et al. would prevent the latching element 40 from operating in its intended manner, namely, by engagement in a rail aperture 76, as shown in Fig. 8. Thus, the Brock et al. reference teaches *away* from the use of a forwardly-biased carrier flange.

Therefore, the combination of Lauchner and Brock et al. not only fails to teach or suggest the invention defined in claim 12, but there is nothing in either reference to suggest that they can or should be combined in the manner suggested by the Examiner. Furthermore, there is nothing to suggest that, even if the references could be combined as suggested by the Examiner, the result would be the invention defined in claim 12, because there would still be no teaching or suggestion of securing the rail between a stationary track flange and a movable carrier flange. It is therefore respectfully submitted that the invention defined in claim 12, as amended, is neither shown nor suggested by the art of record, taken singly or in combination. Accordingly, it is respectfully submitted that claim 12, as amended, is patentable over the art of record, and should be allowed.

Claims 14-20 depend from claim 12, and should be allowed therewith. It is noted that the subject matter of claims 14-19 has already been held allowable.

New Claim 21, like amended claim 12, defines a bracket assembly in which a carrier having a flange is slidably mounted on a track having a corresponding flange, and in which a


biasing element urges the carrier toward a position in which the rail is secured between the carrier flange and the track flange. It is respectfully submitted that claim 21 is patentable for the same reasons as set forth above with respect to claim 12. Likewise, claims 22-28, which depend from claim 21, should be allowed therewith, along with claims 10 and 11, which have been amended to depend from claim 21. It is respectfully pointed out that new claims 24-28 are similar in subject matter to claims 14 and 16-19, respectively, which, as noted above, have been ruled allowable.

In summary, it is respectfully submitted that claims 10-12 and 14-28, as amended, define patentably over the art of record, and should therefore be allowed. Passage of the application to issue is therefore earnestly solicited.

Should there be any further issues remaining in the application, the Examiner is respectfully requested to telephone the undersigned attorney to expedite the prosecution of the application to issue.

Respectfully submitted,

Date: May 16, 2006


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